

**Letter O-14 – Kendall Holbrook ESQ – Johnson and Sedlack**

- O-14-1** The County acknowledges and appreciates the comment. The comment will be included as part of the FEIR. It provides an introduction to the letter and a brief overview of CEQA and its purpose. However, the comment does not present any issue or make any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.
- O-14-2** This comment provides broad, non-specific criticisms of the analysis provided in the DEIR. It refers to several sections of the DEIR but does not provide specific reasons as to why the commenter believes the analysis of Project impacts inadequate. Therefore, no further response is needed or required. Specific responses to each of the commenter's issues are presented in detail below.
- O-14-3** This comment provides broad, non-specific criticisms of the analysis provided in the DEIR. It refers to several sections of the DEIR but does not provide specific reasons as to why the commenter believes the analysis of Project impacts inadequate. Therefore, no further response is needed or required. Specific responses to each of the commenter's issues are presented in detail below.
- O-14-4** The County does not concur with this comment. Adequate mitigation was provided for all identified potential impacts. While these mitigation measures cannot always reduce impacts to less than significant, all of the feasible, applicable mitigation was supplied. Therefore, no changes have been made to the EIR.
- O-14-5** The County does not concur with this comment. Mitigation for the proposed Project has been prepared by the County while working closely with the Project applicant and applicable agencies. Mitigation is written to ensure compliance and is converted into a condition of approval for the proposed Project, as it is tied to necessary permit approval. The comment does not identify any specific defect in any mitigation measure. To address the example provided, mitigation measure M-N-1 from Section 2.7.5.1 requires performance standards to comply with the County Noise Ordinance and therefore does not improperly defer mitigation.
- O-14-6** The County does not concur with this comment. Per the CEQA Guidelines §15126.6, an EIR must contain a range of alternatives "which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project" (.). The EIR provides a reasonable range of alternatives and is not required to include more. In addition, the alternatives contained in this EIR, with the exception of Alternative B, would all lessen or have similar impacts to the proposed Project, as shown in Table 4.0-1. Further, it is not required by CEQA that different locations other than the Project site be analyzed. The County will consider each of the alternatives discussed in the EIR, including Alternative G, for possible adoption. That decision, however, will be made by the County decision makers. The EIR cannot dictate that one alternative be selected over the others, as that decision lies within the discretion of the Planning Commission and Board of Supervisors.

- O-14-7** The County disagrees with the comment the Birch Family Estate Parcel must be analyzed as a component of the proposed Project. The Birch Parcel is more appropriately included in the cumulative analysis as a part of the approved Otay SRP and Otay Ranch PEIR as it is independent of the proposed Project.
- O-14-8** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment provides factual background information taken from the DEIR and does not raise any issue concerning the adequacy of the DEIR. For that reason, the County provides no further response to this comment.
- O-14-9** The comment expresses concern that Subchapter 2.2, Air Quality, of the DEIR does not disclose the maximum potential criteria air pollutant emissions level during the construction phase because the analysis assumes that the proposed Project will take approximately 11 years to reach full build-out. The comment opines that the construction phase could be abbreviated (i.e., less than 11 years) and, as a result, create a higher maximum daily emissions level. Therefore, the comment states that a mitigation measure must be adopted requiring Project phasing that is consistent with the assumptions used in the air quality analysis.

As discussed in Subsection 1.2.2.1, Construction, of Appendix C (Otay Ranch Resort Village – Air Quality Impact Report):

“Construction of the proposed Project is anticipated to occur over an approximately 11-year period. At the time of this writing, detailed construction scheduling and activity information is not available. Construction of the proposed Project is assumed to be non-sequential to adjust to market conditions. ... The maximum daily construction emissions that would occur during development of the proposed Project have been modeled to evaluate impacts of the proposed Project.”

The 11-year build-out assumption is based on the Project applicants’ evaluation of market conditions and absorption rates for mid- to upper-level, single-family, detached, “executive style” homes.

CalEEMod was used to calculate the maximum construction-related emissions for each year of construction. To provide a conservative estimate, CalEEMod assumes that all construction equipment identified for each phase is operating for the entire duration of that construction phase. The analysis also assumes that blasting, rock crushing, grading, utilities installation, and building construction activities would overlap. CalEEMod, therefore, presents the maximum emissions anticipated for each construction year.

Practically speaking, it is not presently possible to delineate an absolute phasing schedule, as Project build-out will be influenced by market conditions that cannot be anticipated with reasonable certainty at this time. Further, it is not feasible or advisable to adopt a mitigation measure requiring Project build-out to proceed at the rates assumed in the air quality analysis. For example, if market demand is less than anticipated and Project build-out proceeds at a rate slower than that assumed in the air quality analysis, the maximum daily emissions level likely would

decrease as compared to what is disclosed in the EIR. In that instance, adopting a mitigation measure requiring implementation of the phasing assumed in the air quality analysis would serve to increase the maximum daily emissions level relative to market demands.

A decrease in the build-out time frame, while hypothetically possible but not probable given housing market conditions, may increase certain construction emissions. However, any increase is not reasonably expected to exceed the Project's level of blasting emissions, which represents the highest daily emissions level, and would not result in any new unavoidably significant impacts. Specifically, while it is hypothetically possible that the phasing schedule could be contracted, Subchapter 2.2, Air Quality, of the DEIR concluded that the Project's construction phase would result in unavoidably significant impacts from VOC, NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub> emissions. (See, e.g., DEIR Table 2.2-6, Maximum Daily Construction Emissions, with Dust Control.) It was further assumed that blasting would occur at the same time that the highest level of emissions from construction equipment and vehicles would occur during the entire 11-year construction phase. Emissions of NO<sub>x</sub> from heavy equipment would need to double to exceed the maximum daily emissions associated with blasting; emissions of PM<sub>10</sub> from heavy equipment would need to increase 50-fold; and emissions of PM<sub>2.5</sub> from heavy equipment would need to increase 92-fold to exceed emissions associated with blasting. It is not likely that heavy equipment would increase to this degree above the blasting-related air pollution levels disclosed in the Air Quality Section of the DEIR. In closing, while the maximum daily emissions of each criteria air pollutant type may incrementally increase in the event that the construction scheduling is truncated to less than 11 years, no new or substantially increased impacts would result.<sup>1</sup> Thus, the EIR has achieved the informational disclosure objectives of CEQA.

**O-14-10** The comment first restates information taken from the 2015 DEIR regarding the significance findings of Subchapter 2.2, Air Quality. The comment next states that all feasible mitigation must be adopted to reduce the significant and unavoidable air quality impacts identified in the DEIR. The County acknowledges the comment, which will be included in the record of proceedings for review and consideration by the decision-making body prior to any action on the Project. The County also refers the commenter to Response to Comment O-4-11 below, which assesses the feasibility of the individual strategies recommended by the commenter to reduce the Project's air quality impacts. In response to comments on the DEIR, and consistent with the request of this comment, Subchapter 2.2, Air Quality, of the FEIR has been refined to incorporate additional reduction strategies that reduce air quality impacts to the extent feasible.

**O-14-11** The comment identifies 60 mitigation measures that it believes could feasibly reduce the Project's construction and operational impacts to air quality, which Section 2.2, Air Quality, of the 2015 DEIR identifies as unavoidably significant. The feasibility and applicability of each recommended measure are evaluated in italics below.

#### Construction:

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<sup>1</sup> The Project is expected to require blasting activities on 49 days of the build-out period. The Project's construction-related emissions, excluding blasting, would not result in significant impacts for CO, SO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. Decreasing the build-out period to six years, for example, could result in an exceedance for VOC and CO emissions; however, those exceedances already have been identified in the DEIR as significant impacts.

1. Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.

See response to Item 2 below.

2. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g. install wheel shakers, wheel washers, and limit site access).

The two measures recommended above are intended to reduce the proposed Project's fugitive dust (i.e., particulate matter) generation. However, the generation of fugitive dust already is comprehensively regulated by the San Diego Air Pollution Control District (SDAPCD) and County of San Diego, and the proposed Project will be required to adhere to the regulatory standards adopted by those agencies during the Project's construction phase as a matter of law.

More specifically, the SDAPCD's existing rules and regulations establish requirements for the control of fugitive dust. Specific rules applicable to the proposed Project's fugitive dust include the following: Rule 50 (visible emissions), Rule 52 (particulate matter), Rule 54 (dust and fumes), and Rule 55 (fugitive dust control).

Per SDAPCD Rule 55, Section (d)(2)(i), visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be minimized by the use of any of the following or equally effective track-out/carry-out and erosion control measures that apply to the proposed Project or operation:

- track-out grates or gravel beds at each egress point;
- wheel-washing at each egress during muddy conditions;
- soil binders;
- chemical soil stabilizers;
- geotextiles;
- mulching;
- seeding; and/or
- for outbound transport trucks, using secured tarps or cargo covering, watering, or treating of transported material.

Additionally, Section 87.428 of the County's Grading Ordinance requires that "[a]ll clearing and grading shall be carried out with dust control measures adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading or improvement plans shall require that measures such as the following be undertaken to achieve this result: watering, application of surfactants, shrouding, control of vehicle speeds, paving of access areas, or other operational or technological measures to reduce dispersion of dust."

As the requirements of SDAPCD Rule 55 and the County's Grading Ordinance address the reduction of dust generation from Project construction, and as gravel beds already and trackout

control devices are recognized by an applicable regulatory compliance mechanism (i.e., SDAPCD Rule 55), no additional mitigation is required.

3. All roadways, driveways, sidewalks, etc. shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

There are inherent economic and efficiency incentives to complete construction activities as soon as possible. For example, leaving a construction site in an unfinished condition can create an opportunity for weather-related incidents that create “setbacks” relative to previously completed work.

Further, existing regulatory standards serve to secure the fugitive dust controls sought by the recommended measure. More specifically, per SDAPCD Rule 55, Section (d)(1), “No person shall engage in construction or demolition activity subject to this rule in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.” This rule applies to any construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas. Additionally, Section 87.428 of the County’s Grading Ordinance states, “All clearing and grading shall be carried out with dust control measures adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading or improvement plans shall require that measures such as the following be undertaken to achieve this result: watering, application of surfactants, shrouding, control of vehicle speeds, paving of access areas, or other operational or technological measures to reduce dispersion of dust.” Compliance with these regulatory standards would be required as a matter of law.

Nonetheless, in light of the comment, mitigation measure **M-AQ-1a** has been supplemented in the FEIR with requirements to pave the construction access roads a minimum of 100 feet onto the site from Otay Lakes Road and pave all construction roads with more than 150 daily trips. These additional mitigation parameters are based upon guidance from the CEQA handbook of the South Coast Air Quality Management District (SCAQMD).

4. Pave all construction roads.

Please see the responses for Items 1 through 3 above for relevant information. In short, as existing SDAPCD and County rules and regulations already establish procedures for the control of fugitive dust, no additional mitigation is required.

5. Limit fugitive dust to 20 percent opacity.

Please see the responses for Items 1 through 3 above for relevant information. In short, as existing SDAPCD and County rules and regulations already establish procedures for the control of fugitive dust, no additional mitigation is required.

6. Require a dust control plan for earthmoving operations.

In response to this recommendation, mitigation measure M-AQ-1b has been added to the FEIR in order to facilitate the preparation of a consolidated dust control plan that incorporates applicable regulatory standards, existing project design features, and the provisions of mitigation measure M-AQ-1b. The dust control plan will serve to effectuate and inform the execution of a singular dust control strategy during proposed Project construction. New mitigation measure M-AQ-1b is set forth below:

**M-AQ-1b** The applicants or subsequent designee(s) shall prepare a Dust Control Plan, subject to review and approval by the County of San Diego Department of Planning & Development Services, to be implemented during the proposed Project’s construction period. The Dust Control Plan, at a minimum, shall provide the following information:

- Project name and location
- Contact information for the property owner(s) and construction contractor(s)
- Primary Project contact responsible for implementation of the plan
- Primary agency contact responsible for oversight of the plan
- Description of construction activities
- Plot plan
- Information on the amount of area to be disturbed
- Phasing schedule for dust generating activities
- List of dust generating activities
- Fugitive dust control measures to be implemented, including measures to prevent trackout/carryout
- Adaptive management provisions that authorize modifications to dust control measures (e.g., increased watering applications) in response to onsite, real-time conditions
- Requirement to post publicly visible signs with the contact information for the primary Project and agency contacts in the event of dust control complaints
- Requirement to take any necessary corrective action in response to dust control complaints within 24 hours
- Recordkeeping requirements to log daily dust control activities
- Certification by primary agency contact of compliance at quarterly intervals
- A sample Dust Control Plan template is provided as an attachment to this mitigation measure.

7. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

To begin, California Vehicle Code Section 23114(a) generally requires covering of all loads and states, “a vehicle shall not be driven or moved on any highway unless the vehicle is so

constructed, covered, or loaded as to prevent any of its contents or load other than clear water or feathers from live birds from dropping, sifting, leaking, blowing, spilling, or otherwise escaping from the vehicle.” Other Section 23114 provisions impose additional criteria relating to the transport of aggregate and asphalt materials that serve to minimize the inadvertent release of materials. SDAPCD Rule 55, Section (d)(2)(i), also provides, for outbound transport trucks, using secured tarps or cargo covering, watering, or treating of transported material. Therefore, as the parameters of this recommendation are incorporated into existing regulatory standards, no additional mitigation is required.

8. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.

See response to Item 9 below.

9. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.

Please see the response to Item 6 above, including new mitigation measure M-AQ-1b. The dust control plan required by the new mitigation measure would implement these two recommendations.

10. Extend grading period sufficiently to reduce air quality impacts below a level of significance.

See response to Item 12 below.

11. The simultaneous disturbance of the site shall be limited to five acres per day.

See response to Item 12 below.

12. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.\*

These recommendations (Items 10 through 12) are not feasible because they would serve to delay Project build-out and prolong construction activities beyond the currently estimated 11-year period. Extending the grading period may prolong the general nuisance associated with construction activities to neighboring communities. Similarly, for a project of this size, it is neither practical nor reasonable to impose a 5-acre limit on the permissible daily area of disturbance. In sum, arbitrarily limiting construction contractor flexibility limits the ability of the contractor(s) to respond to daily conditions in a manner that effectively implements industry practices that balance multiple factors on any given day. Additionally, the timing and rate of construction activities will largely depend on market and economic conditions that cannot be

anticipated with reasonable certainty at this time; therefore, it may not be economically feasible to artificially extend this phase of construction activities.

Separately, the asterisk (\*) at the conclusion of this recommendation and others that follow indicate the commenter's belief that implementation of such a measure also would serve to reduce the Project's greenhouse gas (GHG) emissions. In response, please note that Section 2.10, Global Climate Change, of the 2019 Recirculation Package concluded that the Project's GHG emissions would be less than significant with incorporation of the recommended mitigation; therefore, additional mitigation measures are not required for GHG emissions pursuant to State CEQA Guidelines Section 15126.4(a)(3).

13. Develop a trip reduction plan to achieve 1.5 AVR for construction employees.

Pursuant to California Health & Safety Code Section 40717.9, no public agency shall require an employer to implement an employee trip reduction program unless the program is required by federal law and the elimination of the program will result in the imposition of federal sanctions. Accordingly, the County is not authorized to effectively mandate that the construction employer(s) implement mandatory employee carpooling. Further, and practically speaking, many construction workers require their own vehicles because of the equipment required to perform their responsibilities and/or the need to shuttle between multiple construction sites in one day. As such, it is not feasible to implement the recommended measure. That being said, please see the response to Items 23 through 27 below, which sets forth a mitigation measure that will encourage carpooling during the construction phase.

14. Restrict engine size of construction equipment to the minimum practical size.\*

The parameters of this recommendation would unduly constrain the ability of the construction contractor(s) to feasibly proceed with the build-out of a project of this scale, size and duration. A reasonable degree of flexibility is required during the construction phase to allow the construction crew to adapt to the demands of the day, and shifts in anticipated activities can reasonably be expected. Additionally, this measure would unduly constrain the ability of the proposed Project to be carried out in an economical manner and may also pose technical limitations due to the need for blasting and large-scale grading that could require large engines. Finally, from an implementation perspective, there is no clear way to determine what constitutes the "minimum practical size" needed for any particular equipment engine for any particular activity. As a result, this measure is not considered feasible.

15. Use methanol-fueled pile drivers.\*

To begin, this recommendation is not applicable because pile drivers are not likely to be used during the proposed Project's construction period. Additionally, the recommendation is not feasible because methanol-fueled pile drivers are not commercially available. The lack of commercial availability of this product and uncertainty about its availability in the future renders the measure infeasible.



16. All forklifts shall be electric or natural gas powered.\*

Forklifts may be used during the building construction phase. However, at this time, the availability of electric or natural gas-powered forklifts to provide for the construction needs of the proposed Project cannot be ensured because many construction contractors do not own or have access to alternatively-fueled fork lifts. As a result, this measure is not considered feasible at this time.

Also, for context purposes, please note that—in 2007—the California Air Resources Board adopted a regulation to reduce diesel particulate matter and oxides of nitrogen from in-use off-road heavy-duty diesel vehicles in California. This regulation consists of four primary components: (1) limits on idling; (2) requirements that all vehicles be reported to the California Air Resources Board and labeled; (3) restrictions on the addition of older vehicles into fleets; and (4) requirements that fleets reduce their emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. As demonstrated by the enactment of this regulation, the state agency with expertise in the subject matter (i.e., the California Air Resources Board) actively works to reduce emissions from construction fleets, and—from a policy perspective—it is preferable to implement such regulatory controls via a “top-down” process.

17. Suspend use of all construction equipment operations during second stage smog alerts.\*

A Stage I smog alert is issued when ozone levels reach 20 parts per hundred million (pphm) and a Stage II smog alert is issued when ozone levels reach 35 pphm. The San Diego Air Basin has not recorded a Stage I smog alert since 1991 nor a Stage II smog alert since 1979. Therefore, this recommendation is not relevant to the San Diego Air Basin and is not required.

18. Require preparation of a traffic control plan.\*

See response to Item 22 below.

19. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.\*

See response to Item 22 below.

20. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.\*

See response to Item 22 below.

21. Reroute construction trucks away from congested streets and sensitive receptor areas.\*

See response to Item 22 below.

22. Configure construction parking to minimize traffic interference.\*

To begin, to the extent that construction activities interrupt the normal function of a roadway, temporary traffic control is necessary to ensure the smooth passage of traffic. And, the Director of the County of San Diego Department of Public Works reviews and approves traffic control permits, supported by the implementation of traffic control plans, as a matter of regulatory compliance in order to provide the motoring public and individuals with safe passage through construction zones (see, e.g., <http://www.sandiegocounty.gov/content/sdc/dpw/transportation/trfcctrl.html>). Therefore, no further mitigation is required relative to Items 18–20, and 22.

That being said, as to Item 21, the following mitigation measure conservatively is recommended for adoption, even though the DEIR did not identify any potentially significant health impacts to sensitive receptors:

**M-AQ-1c** Prior to the issuance of grading permits, the applicants or subsequent designee(s) shall develop a construction truck traffic plan for implementation during the Project's construction period. The plan shall identify the preferred truck routing from freeways and/or major roadways, as applicable, to the Project site; those routes shall avoid areas with substantial numbers of sensitive receptors, such as residential developments and/or schools, while minimizing the travel distance. The plan shall be submitted to the County of San Diego Department of Planning & Development Services for review and approval.

23. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.

See response to Item 27 below.

24. Implement a carpool program for construction workers.\*

See response to Item 27 below.

25. Minimize construction worker trips by requiring carpooling and providing for lunch onsite, and/or provide shuttle service to food service establishments/commercial areas for the construction crew.\*

See response to Item 27 below.

26. Provide shuttle service to transit stations/multimodal centers for the construction crew.

See response to Item 27 below.

27. Develop a Low-impact Construction Commuting Plan for all tradespersons to utilize during Project construction. This Plan shall address the home to office/shop commute and office/shop to jobsite commute and increase carpooling and other commuting efficiencies during construction.\*

All of the recommendations enumerated above (Items 23 through 27) are intended to reduce vehicle miles traveled by construction workers.

From an implementation perspective, requiring that construction workers carpool—as requested by Items 24, 25, and 27—would be administratively difficult to enforce and legally improper (see response to Item 13 above). Relatedly, at this point in time, it is impossible to know whether the locations of individual workers’ residences would allow for efficient carpooling. Nonetheless, in an effort to encourage and support ridesharing, the following new mitigation measure has been added to the EIR, consistent with Item 23:

**M-AQ-1d** Prior to the issuance of grading and building permits, the applicants or subsequent designee(s) shall submit verification to the County of San Diego Department of Planning & Development Services that a ridesharing program for the construction crew has been encouraged by the contractor(s). Evidence shall include copies of rideshare materials provided to employees and any incentives offered.

Additionally, in connection with Item 25, mobile food vendors, such as food trucks, regularly visit construction sites in the County of San Diego. Further, it is not uncommon for construction workers, like many workers in other industries, to pack their own lunches and remain onsite during the lunch hour. Therefore, there likely would be low demand for such a shuttle service.

Finally, at this juncture, it is not appropriate to mandate the provision of shuttle service to transit stations/multi-modal centers during the construction period—as requested by Item 26—because it is unknown whether the Project’s construction workers would commute to the Project site from residences or locations proximate to other transit stations/multimodal centers. In other words, this type of measure only is effective if the workers live near transit stations or multi-modal centers—a fact that cannot be reasonably discerned at this time.

28. Require the use of Zero-VOC paints, coatings, and solvents.

As discussed in the 2015 DEIR, the Project is subject to SDAPCD Rule 67.0 (and Rule 67.0.1 as of January 1, 2016), which requires the use of low-VOC coatings.<sup>2</sup> However, in response to the comment, the feasibility of the SCAQMD’s architectural coatings regulation (Rule 1113) was evaluated. Based on that review, it is feasible for the Project to comply with the SCAQMD’s rule, which imposes more onerous standards than the rule adopted by the SDAPCD. Therefore, the following new mitigation measure has been added to the EIR:

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<sup>2</sup> On June 24, 2015, the SDAPCD adopted a new architectural coatings regulation: Rule 67.0.1. The requirements of this new regulation became effective on January 1, 2016, at which time the previously existing architectural coatings regulation, Rule 67.0, was repealed.

**M-AQ-1e** The Project’s architectural coatings shall comply with Rule 1113 of the South Coast Air Quality Management District, as amended in 2016.

Approximately 85 percent of the Project’s construction-related VOC emissions, in the peak year (Year 6), are attributable to the application of architectural coatings. With Project compliance with the SCAQMD’s rule, the proposed Project’s construction-related VOC emissions will be reduced to levels that are not significant. A technical memorandum, a copy of which is included in **Appendix C-27** of the FEIR, has been prepared to support this analysis.

Zero-VOC paints, coatings, and solvents may not be appropriate, commercially available, or feasible for all applications. Therefore, it is preferable to defer to existing regulatory standards established by regional agency with expertise in the subject matter.

Operation:

1. Electrical powered equipment should be utilized in-lieu of gasoline-powered engines where technically feasible.\*

While the recommendation does not specify the type of equipment to be electrically powered, the burden of administering this measure is substantial because it would seem to require the micro-management of individual property owners’ and tenants’ purchasing and use habits. Further, neither the County of San Diego nor the Project applicants have the legal authority or policy inclination to regulate equipment usage in such a restrictive manner. Therefore, this recommendation is not considered feasible at this time. It is, however, noted that M-GCC-6 in Section 2.10, Global Climate Change, of the 2019 Recirculation Package addresses the installation of zero emission vehicle charging infrastructure throughout the Project’s residential and non-residential development areas.

2. Utilize only electrical equipment for landscape maintenance.\*

Landscaping equipment typically consists of lawnmowers (riding and push type), blowers, chippers, tillers, and other similar off-road equipment with small engines generating less than 25 horsepower (hp). All small engine equipment, such as that used for landscaping, currently is controlled by the California Air Resources Board’s small off-road engines (SORE) regulation, as most recently amended in 2016. This regulation establishes tiered emission standards required at the manufacturer level (not the individual operator level). Thus, any new equipment purchased by future Project residents, tenants, or operators would by law comply with the SORE regulation.

However, in order to further support the use of electrical equipment for landscape maintenance in a manner that can be effectively managed without creating an undue administrative burden (see response to Item 1 above), the following measure will be incorporated into the FEIR:

**M-AQ-2b** The Project’s HOA shall require that all open space areas under its control be landscaped and maintained with electrical equipment, to the extent feasible.

3. Provide preferential parking locations for EVs and CNG vehicles.\*

The County of San Diego Parking Design Manual, issued by the County Department of Planning and Land Use in February 2013, includes requirements for provision of Clean Air Vehicle Parking in Section 5 (i), page 21. The section reads: “In accordance with the 2010 California Green Building Standards Code, newly constructed non-residential uses shall provide designated parking for any combination of low-emitting, fuel efficient and carpool/van pool vehicles...” These standards were updated in the 2013 and 2016 Green Building Code, Section 5.106.5.2. Because the Project will be required to comply with these standards as a matter of law, no further action is required.

4. Plant shade trees in parking lots to provide minimum 50 percent cover to reduce evaporative emissions from parked vehicles.\*

The Project’s landscape and vegetation improvements will provide shading and, therefore, beneficially temper the Project’s potential urban heat island effects; these benefits conservatively have not been quantified for purposes of the air quality analysis. Additionally, while the Project is under the jurisdiction of the County of San Diego, the Project generally will comply with the City of Chula Vista’s 2012 Shade Tree Policy. As a result, in new parking lots, the proposed Project will provide shade trees that, in good growing conditions, achieve 50 percent canopy cover over the parking stall areas 5 to 15 years after the planting date for that tree. In the event that the parking lot’s design features limit the 50 percent canopy coverage, the Project will provide ground cover (landscaping and/or paving of an albedo of 0.15 or greater) and/or shade structures in order to meet the 50 percent coverage requirement. As the Project design is consistent with this recommendation, no further mitigation is required.

5. Plant at least 50 percent low-ozone forming potential (Low-OFP) trees and shrubs, preferably native, drought-resistant species, to meet county landscaping requirements.\*

See response to item 6 below.

6. Plant Low-OFP, native, drought-resistance tree and shrub species 20 percent in excess of that already required by county ordinance. Consider roadside, sidewalk, and driveway shading.\*

The Otay Ranch Resort Village Specific Plan contains a comprehensive Landscape Concept Plan for the proposed Project. As also discussed in the Specific Plan, “[d]rought tolerant landscaping is required.” Additionally, Exhibits 8 through 20 in the Specific Plan illustrate the anticipated shading benefits of landscaping along roadsides, sidewalks, and driveways. Therefore, the Project as designed already is consistent with this recommendation, and no additional action is required.

7. Orient 75 percent or more of homes and buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the building during the summer and allow sunlight to strike the building during the winter months.\*

All buildings located on the Project site will be required to demonstrate compliance with the building energy efficiency standards set forth within Title 24 of the California Building Code prior to the issuance of a building permit. The energy calculations conducted during the Title 24 verification process take into account various factors, including building orientation and fenestration of individual structures. To the extent that the structure's building orientation does not achieve the requisite energy efficiencies, the structure is required to achieve comparable efficiencies via other design measures under Title 24. Therefore, as the emission reductions desired by this commendation are achieved via regulatory compliance, no additional action is required.

8. Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard black asphalt paving by 10 percent or more.\*

The proposed Project's design incorporates various features that are equivalent to the recommendations enumerated here. For example, vegetative swales proposed for inclusion in onsite parking lots will serve to address water quality issues and reduce the amount of standard paving surfaces. Additionally, most single-family residential driveways will be concrete (not asphalt). Therefore, no additional mitigation is required.

9. Prohibit gas powered landscape maintenance equipment within residential, commercial, and mixed-use developments. Require landscape maintenance companies to use battery powered or electric equipment or contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use or any combination of these two themes.\*

Please see the response to Item 2 above, which discusses the addition of a mitigation measure in the FEIR requiring the proposed Project's HOA to require that all open space areas under its control be landscaped and maintained with electrical equipment, to the extent feasible.

10. Implement parking cash-out program for non-driving employees.\*

This recommendation is not applicable to the proposed Project's proposed land uses, which will not impose parking charges. Because onsite parking will be free, a "cash-out" program is not appropriate.

Further, existing state law enacted in 1992 (Assembly Bill 2109) already requires that certain employers who provide subsidized parking for their employees offer a cash allowance in lieu of a parking space; this law is generally referred to as a "parking cash-out program" – see <http://www.arb.ca.gov/planning/tsaq/cashout/cashout.htm> for additional information. Therefore, no additional mitigation is necessary.

11. Require each user to establish a carpool/vanpool program.\*

Mitigation measure M-GCC-1, as set forth in Section 2.10, Global Climate Change, of the 2019 Recirculation Package requires that—as part of the Project’s implementation of enumerated TDM strategies—the proposed Project “encourage formal/informal networks among residents that arrange carpools for ongoing or occasional trips for commute or non-commute purposes.”

12. Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.\*

A light vehicle network, or neighborhood electric vehicle (NEV) system, is a system that supplies the infrastructure and vehicles needed for the operation of communal vehicles, generally micro-cars, that may be used by multiple people. Typically, these vehicles have limited speeds and cannot be taken on roadways with speed limits higher than 45 miles per hour. As a result, the inclusion of such a system typically requires communities to be designed with separate, relatively high-speed thoroughfares for non-NEV vehicles.

In this instance, due to the topography of the site, the proposed Project is not well suited to the deployment of a light vehicle network. However, note that the proposed Project EIR includes a mitigation measure that will encourage and facilitate the use of zero emission vehicles (see mitigation measure M-GCC-6 in Section 2.10, Global Climate Change, of the 2019 Recirculation Package).

13. Provide preferential parking for carpool/vanpool vehicles.\*

As previously discussed, the County of San Diego Parking Design Manual, issued by the County Department of Planning and Land Use in February 2013, includes requirements for provision of Clean Air Vehicle Parking in Section 5 (i), page 21. The section reads: “In accordance with the 2010 California Green Building Standards Code, newly constructed non-residential uses shall provide designated parking for any combination of low-emitting, fuel efficient and carpool/vanpool vehicles...” These standards were updated in the 2013 and 2016 Green Building Code, Section 5.106.5.2. Because the proposed Project will be required to comply with these standards as a matter of law, no further action is required.

14. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.\*

Because the Project site currently is not served by transit, this recommendation’s transit incentive recommendation is not applicable. Further, as discussed above, designated parking for carpool vehicles already is required by the County’s Parking Design Manual. Whether additional subsidies or incentives are provided to employees should be determined by specific employers on a case-by-case basis.

15. Provide direct, safe, attractive pedestrian access from Project to transit stops and adjacent development.\*

The proposed Project is designed to encourage pedestrian and bicycle travel as an alternative to automobiles. Accordingly, the Resort Village Trail and Pathway system provides alternate routes to onsite destinations. The Otay Ranch Resort Village Specific Plan (page 18) includes “traffic calming measures to reduce vehicle speeds and increase pedestrian and bicycle safety.” (See also Specific Plan, Section II. – Development Plan, Subsection E. – Traffic Calming, pp. 39 and 40.) These project design features will be required as conditions of any approval of the proposed Project. As the Project—as designed—is consistent with this recommendation, no further action is required.

As for access to transit stops, the proposed Project site currently is not served by transit. However, the applicants (or subsequent designees) will coordinate with the relevant transit providers to evaluate the feasibility of extending bus service to the site. In the event that such service is provided, the underlying foundation of the Specific Plan’s pedestrian network will ensure safe access to the transit stop(s).

16. Provide direct safe, direct bicycle access to adjacent bicycle routes.\*

As discussed on page 24 of the Otay Ranch Resort Village Specific Plan:

“Several traffic calming features have been incorporated throughout the project’s internal circulation and street design to reduce travel speeds on most streets to 30 mph. This reduced speed allows bicycles to travel on streets without designated travel lanes.”

Therefore, as the Project—as designed—is consistent with this recommendation, no further action is required.

17. Connect bicycle lanes/paths to city-wide network.\*

The Project will provide dedicated bike lanes on Otay Lakes Road, which thereby provides connectivity between the Project site and other County of San Diego and City of Chula Vista non-vehicular networks. (See Otay Ranch Resort Village Specific Plan (March 2015), pp. 25–27.) Therefore, no additional mitigation is required.

18. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.\*

See response to item 19 below.

19. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.\*

The applicants (or subsequent designees) will coordinate with the CVT and Metropolitan Transit System (MTS) to evaluate the feasibility of providing bus service to the site, and specifically the Village Core Multiple Use area. Currently, CVT provides bus service through the Chula Vista Eastern Territories including the Eastlake Business Center and nearby Southwestern College. Although transit services are not currently provided to the proposed Project site, there is no



indication that the post-build-out addition of such services would create design and/or locational challenges as less infrastructure is required for the addition of bus service when compared to other forms of transit. Should the transit agency extend service to the Project, the applicants will cause to be constructed appropriate bus stops and transit facilities to serve residents and workers.

20. Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees.

As part of mitigation measure M-GCC-1 (see Section 2.10, Global Climate Change, of the 2019 Recirculation Package), the “Project shall provide and promote information about SANDAG’s iCommute program for commuters and onsite businesses.”

21. Provide shuttle service to food service establishments/commercial areas.\*

The Project may provide onsite commercial/retail uses that will be accessible to residents and resort patrons. Therefore, shuttle service is not needed and no additional mitigation is required.

22. Provide shuttle service to transit stations/multimodal centers.\*

As discussed above, the applicants (or subsequent designees) will coordinate with the CVT and MTS to evaluate the feasibility of providing bus service to the site, and specifically the Village Core Multiple Use area. In the event that bus service is provided to the site, approximately 40 percent of the Project residences would be located within 0.5 mile of the Village Core Multiple Use area where the bus stop(s) would be located.

23. Provide on-site child care or contribute to off-site child care within walking distance.\*

See response to Item 25 below.

24. Implement a compressed workweek schedule.\*

See response to Item 25 below.

25. Implement home-based telecommunicating program, alternate work schedules, and satellite work centers.\*

Neither the County nor the applicants have jurisdiction over the ultimate commercial/retail businesses and, therefore, cannot commit to implementation of these recommendations. That being said, as to Item 23, child care facilities could be permitted as an ancillary use within the Project site.

26. All buildings shall be constructed to LEED Platinum standards.\*

In lieu of utilizing LEED standards, the County of San Diego prefers to proceed with implementation of the building energy efficiency standards established by state law via Title 24 and CALGreen. The State of California updates the Title 24 standards every 3 years, and continually improves upon the energy efficiency of new buildings. From a policy and administration preference, it is preferable to proceed with implementation of those standards, in lieu of securing LEED certification on a building-by-building basis. Additionally, it is noted that mitigation measures M-GCC-2 through M-GCC-5 in Section 2.10, Global Climate Change, of the 2019 Recirculation Package contain “beyond code” mitigation requirements pertaining to building energy efficiency and design.

27. Design buildings for passive heating and cooling and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.\*

The site design will incorporate passive solar design and building orientation principles to take advantage of the sun in the winter for heating and reduce heat gain and cooling needs during the summer. In addition, vertical landscape elements such as trees and large shrubs shall be installed in order to shade southern and western building façades to reduce energy needed for heating and cooling. These project design features will be required as conditions of any approval of the proposed Project; therefore, no additional mitigation is required.

28. Construct photovoltaic solar or alternative renewable energy sources sufficient to provide 100% of all electrical usage for the entire Project.\*

Section 2.10 of the 2019 Recirculation Package contains mitigation parameters that address photovoltaic solar energy. More specifically, mitigation measure M-GCC-4 sets forth a requirement for single-family residential development within the Project site to achieve Zero Net Energy design, as defined by the California Energy Commission. Appendix C within Appendix C-2 of the 2019 Recirculation Package contains a “Building Analysis” prepared for the Project by ConSol. As provided therein, and as demonstrated through the application of recognized building modeling software, Zero Net Energy design is anticipated to be achieved through a combination of improvements to the building envelope design and efficiency, and installation of rooftop solar. The Zero Net Energy design requirement would be made enforceable via adoption of the CEQA-mandated MMRP, in the event of Project approval, and would be implemented via Zero Net Energy Confirmation Reports prepared by qualified building energy efficiency and design consultants that would be submitted to the County for review and approval.

29. Install an ozone destruction catalyst on all air conditioning systems.\*

An ozone destruction catalyst converts ozone to oxygen as the catalyst makes contact with air moving through the air conditioner. While some filters exist that can be used to clean the air entering the dwelling, the destruction catalyst, such as on a vehicle radiator, is a new technology for building HVAC units and is not currently commercially available. As stated in Section 15364 of the State CEQA Guidelines, feasibility means an action is capable of being accomplished in a

successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Thus, while ozone destruction catalysts technology exists in automobiles and industrial applications, the inclusion of the recommendation in the Project's air conditioning systems is not feasible.

30. Construct renewable energy sources sufficient to offset the equivalent of 100% of all greenhouse gas emissions from mobile sources (internal combustion engines) for the entire Project. \*

Please see the response to Item 29 for information on the Project's onsite renewable energy sources. Additionally, it is expected that, as part of the natural fleet turnover cycle, more and more Project residents will operate low-emission or zero-emission vehicles, thereby negating the need for the recommendation's offset concept.

31. Purchase only green/renewable power from the electric company.\*

The Project will purchase power from San Diego Gas and Electric Company, which includes renewable energy sources within its portfolio and—like other energy providers in the State of California—is required by law to achieve a 60 percent renewable portfolio standard by 2030. As the integration of green and renewable power is regulated by state law, no additional action is required.

32. Install solar water heating systems to generate all hot water requirements.\*

The Project's single-family structures will be designed and constructed to facilitate the later installation of solar hot water heaters. Pre-plumbing the homes for solar hot water heating will serve as an incentive to property owners to adopt this technology. This project design feature will be required as a condition of any approval of the proposed Project. Therefore, no further action is required.

**O-14-12** Per DEIR Section 2.3.1 p. 2.3-1, more recent surveys were conducted in 2014 for mapping of vegetation communities. The Biological Resources Technical Report has been revised to include the surveys conducted in 2015 for rare plants and 2016 for QCB. In general, the surveys were conducted over a number of years with repeated and additional surveys conducted as itemized in the Biological Resources Technical Report, Section 2.2, Table 2, page 9. The Wildlife Agencies have not required that new surveys be conducted due to the coverage provided by the Otay Ranch Resource Management Plan. Additional survey information for the new Project alternative, Alternative H, is included in Appendix D-3

**O-14-13** The County disagrees that the biological mitigation is inadequate without enforceable standards. Mitigation measures such as the Upland Restoration, M-BI-1d, which includes specific success criteria as outlined in the Appendix H of the Biological Resources Technical Report, would address future mitigation with enforceable standards. Mitigation measure M-BI-4, Conceptual Wetlands Mitigation and Monitoring Plan, as outlined in Appendix I of the Biological Resources Technical Report, provides the locations, mitigation ratios, and the specific requirements and

success criteria. Mitigation measure M-BI-7, Conceptual Vernal Pool Mitigation Plan, as outlined in Appendix J of the Biological Resources Technical Report, provides specific basin locations, mitigation ratios, detail for restoration of pools and success criteria. Mitigation measure M-BI-8, Resource Salvage Plan, as outlined in DEIR Section 2.3.5.4, page 2.3-45, was not included as a stand-alone plan and provides a description of the Resource Salvage Plan if it is deemed necessary to prepare and will be as required to the satisfactions of the Director of Planning and Development Services and the Director of Parks and Recreation and will include performance criteria. Mitigation measure M-BI-9b, QCB Management/Enhancement Plan, as outlined in Appendix K of the Biological Resources Technical Report, provides details on restoration and enhancement, and monitoring of QCB, and a description of the adaptive management triggers and resulting actions. The QCB Management/Enhancement Plan was updated in January of 2015 and now includes success criteria and a description of enforceable actions in the plan.

As stated in MM-BIO-9b of the Biological Resources Technical Report, a sufficient amount of habitat is provided onsite to ensure the long-term conservation of the species as outlined in the QCB Management/Enhancement Plan. There is additional upland habitat also within the Preserve (87 acres of chaparral and grassland communities) that may be used by QCB as well. The preserve design includes larval host plant populations, known occurrences of QCB from multiple years of surveys, suitable habitat for the species, and ridgelines and hilltops where the species has been recorded. There also is connectivity to offsite occupied areas to the north, east, and south and provisions are included in the Project design to provide for connectivity within the site as well as to offsite areas. Thus the Project includes preservation of occupied QCB habitat within the same region as the impact at both onsite and offsite locations. Implementation of these measures will reduce direct, indirect, and cumulative impacts to QCB and its critical habitat to a less-than-significant level.

**O-14-14** Please refer to Global Response 2: Golden Eagle, which addresses impacts to golden eagles, including their foraging habitat.

**O-14-15** The County does not concur with the comment that the proposed Project and alternatives would likely result in declines in QCB populations and/or possible extirpation of the species. The Project applicant, the County, and the Wildlife Agencies have worked cooperatively to minimize impacts to QCB to the greatest extent feasible. In addition, the proposed Project would mitigate its impacts to this species through habitat preservation at a 2:1 ratio, as documented in Response to Comment O-15, and the QCB Management/Enhancement Plan, Biological Resources Technical Report Appendix K (see DEIR, Summary, page S-23, mitigation measure M-BI-9b). The DEIR, in Section 2.3.3, discusses cumulative impacts to QCB. These impacts were assessed in the context of the proposed Quino Amendment to the MSCP or the proposed mitigation measure as described in the QCB Management/Enhancement Plan, Biological Resources Technical Report Appendix K. The Quino Amendment to the MSCP would address cumulative impacts because it will be based on a regional approach to conservation and management of the species. The Project was redesigned specifically to address QCB as noted in the Biological Resources Technical Report, Section 4, page 67 and as stated: “The primary goal of the MSCP boundary adjustment is to respond to the agencies request to provide for greater conservation of

Quino checkerspot butterfly, vernal pools and San Diego Fairy Shrimp. The Project applicants redesigned the Project to achieve these conservation goals.”

**O-14-16** The comment suggests that the 2015 DEIR should have concluded that the Project’s GHG emissions would result in a significant environmental impact because the EIR found the Project’s air quality impacts to be significant. While the comment is correct that Section 2.2, Air Quality, concludes that the Project would result in unavoidably significant impacts to air quality, that conclusion—in and of itself—is not evidence of an unavoidably significant impact attributable to GHG emissions for purposes of Section 3.8 or Section 2.10 (as revised for the 2019 Recirculation Package), Global Climate Change. Rather, as shown in the EIR, the impacts of criteria air pollutants, toxic air contaminants, and odors on air quality are evaluated via different significance criteria and methodologies than the impacts of GHG emissions. This separate treatment is substantiated by the framework established in Appendix G of the CEQA Guidelines, which treats the two subjects (i.e., air quality and GHGs) as separate environmental resource areas. Additionally, the existing regulatory frameworks for the two subjects recognize the inherent distinctions between criteria air pollutants, toxic air contaminants, odors, and GHGs. For example, criteria air pollutants, but not GHGs, are subject to National Ambient Air Quality Standards and California Ambient Air Quality Standards. In summary, the comment’s suggestion that the impact findings of the air quality and GHG analyses should be identical is not supported by fact, science, or law.

**O-14-17** The comment states that the Project’s global climate change impacts, as evaluated in Section 3.8, Global Climate Change, of the 2015 DEIR must be considered significant because the Project, including its construction-related activities, is a “new source of GHGs.” As such, the comment advances the position that any contribution of GHG emissions to the atmosphere is environmentally significant, and requires mitigation. While the County does not agree with the commenter’s suggestion that all “new” sources of GHG emissions are significant for purposes of CEQA, it is noted that Section 2.10, Global Climate Change, of the 2019 Recirculation Package concludes that the Project’s GHG emissions would be potentially significant and require mitigation. The mitigation framework set forth in Section 2.10, which is designed to ensure that the Project results in no net increase in GHG emissions, is consistent with the commenter’s objective to further reduce Project emissions.

**O-14-18** The comment reiterates the argument that the Project’s emissions must be deemed significant because the proposed Project represents a “new source” of GHG emissions. Please see Response to Comment **O-14-17** above for responsive information.

**O-14-19** The comment states the Project’s GHG emissions impacts must be deemed significant due to the emissions identified in Section 3.8, Global Climate Change, of the 2015 DEIR and cites to the Bay Area Air Quality Management District’s (BAAQMD) threshold of 1,100 MT of CO<sub>2</sub>e per year and the Sacramento Metropolitan Air Quality Management District’s (SMAQMD) threshold of 1,400 MT of CO<sub>2</sub>e per year as dispositive of the significance of the Project’s GHG emissions. To begin, the comment misunderstands the purpose of those screening level thresholds. More specifically, neither air district ever intended for those thresholds to operate as an absolute numeric criterion for purposes of determining the significance of a project’s GHG emissions; rather, the thresholds were developed as a screening criterion to help alleviate the administrative,

processing, and substantive burdens on sufficiently small projects for purposes of determining the required level of CEQA review.

In any case, Section 2.10, Global Climate Change, of the 2019 Recirculation Package concludes that Project impacts would be significant and recommends mitigation to reduce Project emissions to net zero, an approach that is consistent with the commenter's request to characterize Project impacts as significant.

**O-14-20** The comment states that the Project does not support or further the County's General Plan policies relating to emissions reductions. In response, Section 2.10, Global Climate Change, of the 2019 Recirculation Package (see pages 2.10-23 through 2.10-25) evaluated the Project's consistency with applicable County General Plan policies. (See also EIR Appendix B of the 2015 DEIR and Appendix E-1 of the 2019 Recirculation Package.) As to the Project's consistency with General Plan Policy LU-1.2, that policy does not apply because the proposed Project is part of the Otay Ranch master-planned community. The County of San Diego and City of Chula Vista approved the General Development Plan/Subregional Plan for Otay Ranch on October 28, 1993; development of the Project site has been anticipated since that time. Indeed, as approved in 1993, the Subregional Plan designates the Project site as a specialty village composed of a destination resort, residential neighborhoods, local parks, commercial areas, and public uses. In summary, the Project is not "leap frog" development but part of the larger, previously approved Otay Ranch master planned community.

**O-14-21** The comment reiterates the request that mitigation be adopted to address the Project's GHG emissions. Please see Response to Comment O-14-11 for evaluation of the commenter's recommended mitigation measures. Additionally, please note that Section 2.10, Global Climate Change, of the 2019 Recirculation Package R contains additional mitigation measures to reduce Project GHG emissions to net zero.

The comment also references Executive Order B-30-15.. Section 2.10, Global Climate Change, of the 2019 Recirculation Package specifically addresses Executive Order B-30-15. As provided therein, no unavoidably significant impacts result from the Project because of the issuance of this Executive Order. As also disclosed in Section 2.10, when developing its Scoping Plan for statewide attainment of the 2030 reduction target identified in Executive Order B-30-15, the California Air Resources Board noted that achieving no net increase in GHG emissions is "an appropriate overall objective" for project-level CEQA analysis. The mitigation framework for the Project is consistent with the California Air Resources Board's guidance in this regard.

**O-14-22** The County does not agree with this comment. Mitigation measures in Section 2.5.5 of the EIR were drafted based on the recommendations and requirements, and as the comment states, would be implemented in compliance with the Geotechnical Reports. As explained throughout Section 2.5.2, compliance with various requirements and recommendations in technical appendices C-6, C-7, and C-8 is required of the Project. Adherence to these requirements and regulations would

ensure that there would be less than significant or no impacts for certain issue areas. Since there would be less than significant or no impacts, and Project requirements are listed throughout the analysis section, it is not necessary to include a mitigation measure requiring adherence to the geotechnical reports. Therefore, no changes have been made to the EIR.

**O-14-23** The County disagrees with the comment; the analysis for urban runoff should be updated. The project design features identified in Appendix C-13 (Village Drainage Study) and C-14 (Major Stormwater Management Plan [SWMP]) are enforced by conditions of approval for the tentative map and offsite permits processed by the City of San Diego acting as a Responsible Agency. The SWMP is a living document to be updated to reflect any changes during the Project's final plan review and construction throughout the life of the Project in perpetuity. Further, as discussed in Section 2.9.6 of the FEIR, “prior to recordation of the first final map, the Project applicant shall enter into an agreement with the City of Chula Vista to secure and construct... the widening of Otay Lakes Road.” Therefore, as the road widening will be constructed in conjunction with the Project, it is appropriate to consider Treatment Control best management practices along all portions of Otay Lakes Road. Further, the Project will be required to comply with current storm water regulations set by the Regional Water Quality Control Board.

**O-14-24** The County disagrees that the Project is at high risk from wildland fires. As referenced in the Global Response to Wildfires, there was an assessment of travel time, the provision of fire service, and the adequacy of response time. The risk has been evaluated in the Project's Fire Protection Plan (Dudek 2015) and appropriate requirements and mitigations have been provided to reduce potential risk to acceptable levels. Based on the application of the San Diego County Fire Codes, which supersede Title 14 California Code of Regulations through their certification by the Board of Forestry, as well as the SDC Building Codes addressing ignition-resistant construction, interior sprinklers, 100-foot-wide fuel modification zones, access, secondary access, road widths, no long dead-end roadways, and a new fire station enabling 5-minute travel time to all structures, amongst others (Village 13 Fire Protection Plan 2015), the impact from fire hazards is considered less than significant. With respect to CEQA, PRC Section 21083.01, and anticipated updates to the checklist, this update is expected to include questions already addressed by The San Diego County Guidelines for Determining Significance from Wildfire Hazards (2010), which have been thoroughly applied, and in some cases exceeded for this Project. These guidelines are some of the most advanced and restrictive in California and, when properly applied, result in development that presents low risk to its residents as indicated through their performance during wildfires over the last decade. Therefore, the comment does not present any issue or make any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.

**O-14-25** The County agrees that the General Plan requires all structures within a project to be no further than 5 minutes' travel time from the nearest fire station. When a fire station does not exist within 5 minutes' travel time, the project has options with regard to mitigating the potential delayed emergency response. Providing a fire station within the proposed Project was analyzed and determined to be financially feasible and desirable to the fire authority. The timing of construction of the permanent fire station, as is the case in any new community, is determined

based on agreed-upon triggers. A temporary fire station may be built for the interim period until the permanent fire station is triggered. The trigger will be jointly agreed upon by SDCFA and the applicant and is not known at the time of this response. The County and City of San Diego will negotiate an agreement to ensure that adequate response times are met. This project feature will be enforced through the Fire Authority and San Diego County by way of the Fire Protection Plan that requires a fire service agreement that will be executed prior to grading. Therefore, this requirement, described on pages 43 and 44 of the proposed Project's Fire Protection Plan (Dudek 2015), will be enforceable as a project design feature and is not required to be adopted as CEQA mitigation.

**O-14-26** The County disagrees with this comment. Section 2.6.2.3 of the DEIR states that "because of their very light weight and very slow flying speed, ultralights are highly unlikely to pose a significant threat to anyone on the ground; as such, the focus of the analysis is on jump plane activity."

**O-14-27** Construction of the proposed Project is anticipated to occur over a period of 11 years, with ultimate build-out in year 2029. The FEIR has been revised in Section 2.7.2.3 to state the development period will be an 11-year development period.

The comment also states that reliance on phasing in the noise analysis is improper and misleading as to the full extent of construction noise impacts. The DEIR's phasing discussion states that the entire Project site would not be developed all at once, but instead over an 11-year period. As stated, development of the grading areas of the site would occur based on market changes, economic conditions, and regulatory constraints. Figure 1.0-10 depicts the Conceptual Phasing Plan and provides the footprints of proposed phases labeled as colors. While phased development is anticipated to occur from west to east across the Project site, as the commenter recognizes, the DEIR discloses that there may potentially be overlapping grading phases and periods of no grading activities (DEIR, page 2.7-17).

In short, the DEIR adequately discloses construction noise impacts. The EIR analysis is not based on when the activities would occur during the 11-year period; instead, noise impacts associated with construction activities are a function of (a) noise generated by the construction equipment, (b) the location and sensitivity of nearby land uses, and (c) the timing and duration of noise-generating activities. The proposed Project construction activities would be required to comply with Section 36.408 and 36.409 of the County Noise Ordinance, which limits exposure at the property lines of onsite or nearby sensitive receptors to an 8-hour average sound level no greater than 75 dBA  $L_{eq}$  between the hours of 7 a.m. and 7 p.m. Therefore, the impact of construction noise from normal grading and construction activities would be less than significant. For additional information responsive to this comment, please see Response to Comment O-14-31.

**O-14-28** The proposed mitigation is based on the County standard that a potential significant impact occurs if a noise-sensitive land use (NSLU) is exposed to noise levels exceeding 60 dBA CNEL (exterior) and 45 dBA CNEL (interior); under the County standards, NSLUs are compatible with noise levels at or below 60 dBA CNEL and 45 dBA CNEL, respectively.



Mitigation measure M-N-1 addresses those NSLUs anticipated to experience noise levels exceeding 60 dBA CNEL, by requiring NSLU-specific noise analyses to determine appropriate noise reduction measures to achieve 45 dBA CNEL (interior) at the NSLU. Specifically, mitigation measure M-N-1 requires the Project proponents to dedicate a noise protection easement on each of the building lots that could be exposed to exterior noise levels greater than 60 dBA CNEL, as identified in DEIR Table 2.7-7. The mitigation requires that, prior to approval of the building permit or other development approval, an acoustical study shall be prepared, based on proposed noise barrier placement and housing construction, to demonstrate and ensure that interior noise levels are below 45 dBA CNEL. As a result, mitigation measure M-N-1 would effectively mitigate potential impacts by ensuring compatible noise levels prior to—and as a condition of—building permit or other development approval.

With respect to mitigation measure M-N-1e, the measure applies to two-story homes located where noise levels may reach or exceed 60 dBA CNEL without abatement. In such cases, the noise barriers described in mitigation measure M-N-1d would not reduce noise levels to second-story elevations. Accordingly, mitigation measure M-N-1e requires that the applicant for a building permit or other development approval demonstrate that, prior to approval of the building permit or other development approval, interior noise levels due to exterior noise sources would not exceed 45 dBA CNEL. Thus, the requirements of mitigation measure M-N-1e must be demonstrated before development approvals are issued.

The comment also claims that the anticipated typical method of compliance with M-N-1e—i.e., providing the homes with air conditioning or equivalent forced air circulation—is not practical for residents and calls for increased energy consumption. The noise protection easements and related mitigation requirements will be shown on the Final Map(s) and disclosed to potential future residents. Therefore, appropriate notice will be provided and, with mitigation, both the exterior and interior living spaces will meet County noise level standards. As to energy consumption, please refer to DEIR Section 3.9, Energy Use and Conservation, which analyzed the potential environmental impacts associated with energy use, including use associated with air conditioning units.

**O-14-29** Under CEQA, an agency may defer formulation of the details of a mitigation measure pending further study if there is a reasonable basis for it to conclude that the impact will be adequately mitigated. (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275; 1 Kostka & Zischke, Practice under the Cal. Environmental Quality Act (Cont.Ed.Bar 2015) §14:12.) A mitigation measure is sufficient if it identifies the criteria the agency will apply in determining that the impact will be mitigated, and describes the mitigation strategies that will be reviewed and possibly incorporated into the mitigation plan. (*Ibid.*) While formulation of mitigation measures should ordinarily not be deferred until some future time, measures may specify performance standards that would mitigate the significant effects of the project and that may be accomplished in more than one specified way. (14 Cal. Code Regs., §15126.4(a)(1)(B).)

In this case, mitigation measures M-N-2 and M-N-3 “defer” site-specific noise analysis to when

specific locations and types of stationary equipment are determined, prior to building permit issuance. The reason for the deferral is because there presently is a lack of specific information regarding the potential noise sources, such as the make and model of equipment, the location of the sources in relation to property lines, or the presence of intervening topography or structures. (DEIR, Section 2.7.2.2.)

Where formulation of the precise means of mitigating impacts is impractical, an approving agency may treat an impact as significant and commit to eventually working out measures to mitigate the impact. (Sacramento Old City Assn. v. City Council (1991) 229 Cal.App.3d 1011, 1028–29.) Alternatively, where feasible measures are known, but where practical considerations prohibit developing the specific measure during the planning process, the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. (Ibid.)

In this case, mitigation measures M-N-2 and M-N-3 require compliance with specifically identified noise level limits set forth in County Noise Ordinance, Section 36.404. Furthermore, the measures require compliance with these noise level limits (through, e.g., enclosures, barriers, site orientation, as necessary) prior to Site Plan approval and prior to the issuance of a building permit, respectively. Accordingly, the mitigation measures are adequate because they specify performance standards and there is a reasonable basis to conclude that the impacts will be adequately mitigated.

**O-14-30** Mitigation measures M-N-4 and M-N-5 require preparation of a specific blasting plan for County review and approval prior to conducting any blasting. The plan will determine the setback distance required for the specific blasting event and ensure the designated PPV will not be exceeded.

As stated on DEIR page 2.7-23, the strength, or “amplitude,” of the energy released from blasting is reduced as the distance from the charge increases. The rate of amplitude decay depends on local geological conditions but can be estimated with a reasonable degree of consistency, which allows regulatory agencies to control blasting operations by means of relationships between distance and explosive quantity.

Accordingly, a blasting plan that establishes appropriate setback distances between the noise source and the subject receptor will be effective in ensuring that blasting will not exceed 0.1 in/sec PPV at the nearest occupied residence. The mitigation measures further ensure the PPV will not be exceeded by requiring that each blast be monitored and recorded with an air blast over-pressure monitor and groundborne vibration accelerometer, approved by the County, and located outside the closest residence to the blast.

The comment also asserts that potential impacts may arise because the blasting and rock drilling setbacks required by mitigation measures M-N-4 and M-N-5 may not be followed. However, the setbacks provided in these mitigation measures are mandatory—rock drilling and rock crushing shall be located at a minimum distance of 800 feet and 350 feet, respectively, from the nearest

property line where an occupied structure is located, and the blasting and drilling/crushing activities shall comply with County noise standards pursuant to County Code Noise Ordinance Sections 36.408, 36.409, and 36.410, which set limits on the noise levels generated from one property to another, such as from mechanical equipment. (DEIR, pp. 2.7-31–2.7-32.) The mandatory setbacks may only be reduced if a noise study is conducted for the activities and noise levels of such activities would be within acceptable County limits at the reduced distances as determined by the noise study. (Ibid.)

**O-14-31** Each of the 13 mitigation measures proposed by the comment is listed below, followed by the County’s response.

1. Temporary noise barriers must be installed during Project construction.

Construction activities associated with the proposed Project would be required to comply with County Noise Ordinance Sections 36.408 and 36.409, which restrict exposure at the property lines of onsite or nearby sensitive receptors to an 8-hour average sound level no greater than 75 dBA  $L_{eq}$  between the hours of 7 a.m. and 7 p.m. The EIR determined that construction noise impacts would be less than significant and, therefore, no mitigation is necessary. Accordingly, while temporary noise barriers may be utilized during construction activities in proximity to receptors to reduce and minimize noise levels, they are not required as mitigation.

2. Where technically feasible, utilize only electrical construction equipment.

As noted above, project construction activities would not result in significant noise impacts. Therefore, no mitigation of construction noise impacts is required. Furthermore, under CEQA, “feasible” means an action capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (CEQA Guidelines Section 15364.) For this suggested measure, the County does not have a mechanism or the staffing resources to monitor or enforce a construction equipment power supply requirement. Accordingly, the recommended mitigation is neither required nor feasible.

3. During construction, the developer shall require that all contractors turn off all construction equipment and delivery vehicles when not in use and prohibit idling in excess of 3 minutes.

As noted above, project construction activities would not result in significant noise impacts. Therefore, no mitigation of construction noise impacts is required. Furthermore, California Air Resources Board (CARB) Airborne Toxic Control Measure 13 (Cal. Code Regs., tit. 13, §2485) requires that equipment idling time not exceed 5 minutes unless more time is required according to the engine manufacturers’ specifications or for safety reasons. Enforcing a more stringent standard of 3 minutes would be difficult due to a lack of availability of County staff to monitor construction equipment idling times. In addition, at least one major manufacturer of construction equipment recommends the equipment warm up at low idle for 5 minutes, and a low idle for 5 minutes prior to machine shut down. (See, e.g., Safety Checklists and Start-Up & Shut Down

Procedures for Caterpillar at <https://safety.cat.com/cda/alias/Checklists>).

Under these circumstances, it would not be appropriate for the County to impose a standard greater than CARB requirements that also would conflict with the safety recommendations of construction equipment manufacturers. In summary, the existing idling restrictions of 5 minutes as established by CARB are adequate, and their application avoids the dilemma of inconsistent, patchwork standards in areas under the County's jurisdiction, which would present administrative challenges and burdens. Accordingly, the recommended additional mitigation of limiting idling to 3 minutes is not feasible. As a noise reduction measure, all construction equipment shall be turned off when not in use.

4. Provide upgraded windows with a minimum Sound Transmission Class (STC) rating of 34 for all buildings, and/or require the installation of double-paned windows.

The proposed STC requirement is arbitrary as it may or may not meet the required noise level reductions, depending on site-specific conditions. As the Project includes a mitigation measure (M-N-1) that would require similar, or higher rated, windows as necessary based on site-specific analysis, the window requirements are best addressed in the subsequent analyses required by the mitigation measure. Please refer to Response to Comment O-28, above, for further discussion of mitigation measure M-N-1.

5. Keep new transportation facilities away from vibration sensitive areas.

The EIR noise analysis found that no operational components of the proposed Project include significant groundborne noise or vibration sources, and no significant vibration sources currently exist or are planned in the Project area. Thus, no significant groundborne noise or vibration impacts would occur with operation of the proposed Project and no mitigation is required. (Refer to DEIR, p. 2.7-24.)

Additionally, it is noted that trucks traveling on the highways are supported by flexible suspension systems and pneumatic tires; accordingly, such vehicles are not a significant source of ground vibration. They can, however, impart vibration into the ground when they roll over pavement that is not smooth. Continuous traffic traveling on a smooth highway creates a fairly continuous but relatively low level of vibration. Where discontinuities exist in the pavement, heavy truck passages can be the primary source of localized, intermittent vibration peaks. These peaks typically last no more than a few seconds and often for only a fraction of a second. Because vibration drops off rapidly with distance, there is rarely a cumulative increase in ground vibration from the presence of multiple trucks. (Caltrans, Transportation and Construction Guidance Manual, 2013, p. 10).

As to roadway noise associated with transportation facilities, the noise analysis also determined that increased traffic volumes on onsite segments of Otay Lakes Road and interior Project roads would result in potentially significant direct and cumulative noise impacts; however, the impacts would be reduced to less-than-significant levels through implementation of mitigation measure

M-N-1.

6. When dealing with existing transportation facilities, obvious vibration causes, such as pot holes, pavement cracks, differential settlement in bridge approaches or individual pavement slabs, etc., may be eliminated by resurfacing.

As noted in the preceding response to comment, the proposed Project would not result in significant impacts relative to groundborne noise or vibration sources. Therefore, no mitigation is required. The County acknowledges the comment and recommendation. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.

7. Require the use of rubberized asphalt for construction of all roadways and parking areas.

The noise analysis found that potential direct and cumulative noise impacts associated with onsite Project roads would be reduced to less-than-significant levels through implementation of mitigation measure M-N-1. Therefore, no additional mitigation is required. And, increased traffic volumes on offsite road segments would result in less-than-significant impacts to ambient noise levels and no mitigation is required.

As to parking areas, mitigation measure M-N-3 requires that prior to the issuance of a building permit for parking lots, the applicant, or its designee, prepare an acoustical study(s) of proposed land use site plans to identify all noise-generating areas and associated equipment, predict noise levels at property lines from all identified areas, and recommend mitigation to be implemented, as necessary in order to comply with the County Noise Ordinance Section 36.404. Accordingly, while rubberized asphalt may be utilized for road and/or parking area surfaces, it is not required to comply with the applicable standards and reduce potential significant impacts.

8. Maintain quality pavement conditions that are free of bumps, pot holes, pavement cracks, differential settlement in bridge approaches or individual pavement slabs, etc.

The EIR determined that any potential noise/vibration impacts associated with vehicle traffic either would be less than significant or reduced to less than significant with the recommended mitigation. Therefore, additional mitigation is not necessary. The County acknowledges the comment and recommendation. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.

9. Require resurfacing of roads.

Please refer to the preceding responses to proposed mitigation items 5 through 8. As stated, the noise analysis found that potential traffic noise impacts would be reduced to less-than-significant levels through implementation of mitigation measure M-N-1. Accordingly, while certain area roads may be resurfaced, such resurfacing is not required to comply with applicable standards or reduce potential impacts.

10. Ban heavy trucks near vibration sensitive uses.

As set forth in the responses to proposed mitigation items 5 through 9, above, no significant groundborne noise or vibration impacts would occur with operation of the proposed Project. Therefore, no mitigation is required.

11. Use alternate construction methods and tools to reduce construction vibrations. Examples are pre-drilling of pile holes, avoiding cracking and seating methods for resurfacing concrete pavements near vibration sensitive areas, using rubber tired as opposed to tracked vehicles, placing haul roads away from vibration sensitive areas.

As previously noted, any potential vibration impacts associated with Project construction would be reduced to less than significant with the recommended mitigation; therefore, additional mitigation is not necessary.

12. Schedule construction activities (particularly pile driving) for times when it does not interfere with vibration sensitive operations (e.g., night time).

Preliminarily, as discussed in the preceding responses, construction of the proposed Project, including pile driving, would result in potential significant impacts relative to vibration-sensitive operations that would be mitigated to less than significant. Therefore, no additional mitigation is required. Additionally, construction activities associated with the proposed Project would be required to comply with Section 36.408 of the County Noise Ordinance, which, except for emergency work, makes it unlawful for any person to operate or cause to be operated, construction equipment between 7 p.m. and 7 a.m., and on a Sunday or a holiday. The proposed Project does not include pile driving activities, nor project construction outside of the allowable construction hours of the municipal noise ordinance.

13. To minimize the time during which any single noise-sensitive receptor is exposed to construction noise, construction shall be completed as rapidly as possible.

Preliminarily, the EIR determined that construction noise impacts would be less than significant and, therefore, no mitigation is necessary. Additionally, as previously noted, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (Cal. Code Regs., tit. 14, §15364.) Requiring construction to be completed as rapidly as possible is not feasible because, as disclosed in the DEIR, the exact duration of project construction will be based in part on market conditions and regulatory constraints.

**O-14-32** Due to regional deficiencies in solid waste disposal facilities and capacity, the proposed Project’s cumulative impact to solid waste disposal is significant and unmitigable. Although Alternative A – No Project Alternative, would result in no project-specific impact on solid waste,

the region would still face potential capacity shortfalls beyond the year 2028. From a regional standpoint, no known mitigation measures are feasible to avoid significant cumulative impacts.

**O-14-33** The County does not concur with this comment. CEQA requires that an EIR analyze a project's significant environmental effects on the environment. When a project will be implemented in phases, the EIR must discuss and analyze the significant environmental effects of the entire project. (CEQA Guidelines, sections 15126, 15165.)

In this case, the EIR traffic impact analysis not only addresses the potential effects of the entire Project (i.e., Project build-out) through three separate analytical scenarios (Existing plus Project, Cumulative Year 2025, and Cumulative Year 2030), the EIR also analyzes the potential effects of the Project at an interim stage, referred to in the EIR and TIA as Phase I. As a result of this additional analysis, the EIR is able to identify potential impacts and recommend corresponding mitigation to be implemented prior to build-out of the full Project. Therefore, interim significant impacts that might otherwise go unidentified under an analysis that considers only the entire project are, in fact, identified.

Thus, by presenting additional analytic information and requiring early implementation of mitigation measures, the EIR exceeds CEQA's informational requirements.

As to construction-related traffic impacts, to the extent that construction activities interrupt the normal function of a roadway, temporary traffic control is necessary to ensure the smooth passage of traffic. The Department of Public Works reviews and approves traffic control permits, supported by the implementation of traffic control plans, as a matter of regulatory compliance in order to provide the motoring public and individuals with safe passage through construction zones (see, e.g., <http://www.sandiegocounty.gov/content/sdc/dpw/transportation/trfcctrl.html>). Thus, any potential impacts to traffic circulation during project construction would be less than significant irrespective of Project phasing.

**O-14-34** The County does not concur with this comment. The response to the comment lies in the distinction between the total number of trips forecast to be generated by TAZ 4135, as compared to the number of Project trips that would be generated.

As explained on DEIR page 2.9-29, and page 36 of the TIA, according to the SANDAG Series 11 model, TAZ 4135 (Planning Area (PA) 17) would generate 6,227 average daily trips (ADT). Specific to the Project, the traffic engineer conducted a select zone analysis that determined of the 6,227 ADT, approximately 1,000 of those trips would be attributable to the Project. (TIA, Appendix F.)

However, this trip generation output is inconsistent with the land uses currently planned for PA 17. Based on the Otay Ranch General Development Plan, which governs the land uses for PA 17, the PA 17 land uses are designated as 296 Single Family Residential units, with the remainder of the Planning Area designated as Open Space. (See, <http://www.chulavistaca.gov/home/showdocument?id=6777>, adopted: October 1993 and last

revised on February 2013.) These 296 Single Family Residential units would generate 2,960 ADT (trip generation calculated using the SANDAG Not So Brief Trip Generation Guideline for the San Diego Region). Correspondingly, of those 2,960 ADT, approximately 220 trips would be attributable to the Project. (TIA, Appendix F.)

As a result, the traffic engineer made manual adjustments to the Series 11 Model, based on the actual planned land uses for PA 17, in order to accurately reflect both the correct trip generation, as well as the correct Resort Village/Village 13 Project trip distribution patterns. The PA 17 manual adjustment calculations and model output are provided in Appendix F of the TIA.

The manual adjustments associated with PA 17 are reflected in DEIR Section 2.9, Transportation and Traffic, as well as the TIA circulated as part of the DEIR. Hence, no revisions are required regarding the trip assumptions relating to PA 17 and recirculation is not required. However, in response to the comment, DEIR Section 2.9 will be revised to clarify the adjustments made as part of the analysis.

Note that manual adjustments were made to project trip distribution patterns to reflect land use changes in Otay Ranch Planning Area 17 (Traffic Analysis Zone [TAZ] 4135) along Otay Lakes Road, east of the Project site and west of SR-94. The model forecast (SANDAG Series 11 Southbay2, dated 1/14/2014) assumed the build-out of Otay Ranch Planning Area 17 in Traffic Analysis Zone 4135, which is expected to generate approximately 6,227 ADT. However, with the adoption of the County of San Diego General Plan Update, the Planning Area 17 land uses have been redesignated as 296 Single Family Residential, with the remainder of the planning area designated as Open Space. As a result, approximately 1,000 Project ADT (1 percent of the Project trips) were going to/coming from TAZ 4135. Manual adjustments were made by redistributing these 1,000 ADT to the adjacent roadway network. Of the 1,000 ADT, 80 percent were assumed to travel west to Chula Vista and the remaining 20 percent were assumed to travel east onto SR-94.

For additional information responsive to this comment, please see Response to Comment A-4-116.

**O-14-35** The County does not agree with this comment. Section 2.9.3.7 of the DEIR addresses the Project's consistency with the County's goals and policies. Specific to Goal M-8, which is a public transit system that reduces automobile dependence and serves all segments of the population, the EIR explains that future bus service to the Project site may be provided by MTS, which currently provides bus service throughout the Chula Vista Eastern Territories, including the Eastlake Business Center and Southwestern College, and future expansion of transit service to the Project site may include a bus route to the Mixed-Use Planning Area, although no such service is planned at this time. (DEIR, p. 2.9-40.) As to the policy to ensure that planning incorporates uses that support transit, because the proposed Project would not include a Town Center or Village Core as defined by the General Plan, the policy is not applicable to the Project.) The EIR further noted that there is no indication that the Project would increase transit ridership such that it would decrease the performance or safety of transit facilities. (Id.)



In addition, the Project will implement a Transportation Demand Management (TDM) plan that requires the applicants to coordinate with the local transit providers to evaluate the feasibility of extending transit service to the Project site. The TDM further requires that the applicant also reserve sufficient right-of-way within the Village Core area to locate a bus stop and loading zone in the event that transit service is provided to the Project site in the future. (See FEIR, Section 2.10, Global Climate Change.) Additionally, as the Project is located approximately 4 miles away from one of the soon-to-be-operating South Bay Bus Rapid Transit (BRT) stations, it is anticipated that Project residents would have relatively easy access to regional transit.

Specific to the comment regarding transit-dependent segments of the population, such as the disabled, seniors, low income, and children, the TDM plan requires the applicant to provide and promote information regarding SANDAG's iCommute program. iCommute assists commuters by providing free carpool and ride-matching services, a subsidized vanpool program, transit solutions, regional support for biking, the Guaranteed Ride Home program, information about teleworking, and bike and pedestrian safety program support for schools. (See FEIR, Section 2.10, Global Climate Change.) The TDM plan also requires the Project's HOA to provide information regarding transit options on a quarterly basis in its newsletters; encourage formal and/or informal networks among residents that arrange carpools for ongoing or occasional trips for commute and non-commute purposes; and designate a board member that functions as the community's residential TDM coordinator in order to successfully execute the plan.

**O-14-36** The County does not agree with this comment. Mitigation measure M-TR-1 addresses the segment of Otay Lakes Road between Wueste Road and the City/County boundary, which lies within the jurisdiction of the City of Chula Vista, not the County of San Diego. Consequently, because the improvements would be implemented in a jurisdiction beyond the lead agency's control, the mitigation requires that the Project applicant enter into an agreement with the City of Chula Vista prior to the recordation of the first final map, such that the improvements are operational prior to the construction of the 728th EDU.

As the EIR explains, the improvements to Otay Lakes Road identified in mitigation measure M-TR-1 are consistent with the City of Chula Vista's Circulation Element and, if implemented, the improvements would fully mitigate the project-specific (Direct) impacts to the road segment. (DEIR, p. 2.9-46.) However, because the necessary improvements would be constructed within the City of Chula Vista and, therefore, are outside of the County's jurisdiction and control, the County cannot ensure that the City will permit implementation of the improvements. (Id.) As a result, although mitigation improvements have been identified that would reduce the corresponding impacts to less than significant, and although the Project applicant would implement the improvements consistent with the mitigation requirements, for purposes of CEQA and the DEIR, the impacts to Otay Lakes Road between Wueste Road and the City/County boundary are considered significant and unavoidable until such time as the City concurs with the mitigation. (Id.)

Similarly, Mitigation Measures M-TR-4, TR-5, TR-6, TR-7, TR-9, and TR-10 all require the

construction of road improvements within the City of Chula Vista. Similar to Mitigation Measure M-TR-1 discussed above, although respective improvements have been identified that would reduce the impacts at each of the corresponding significantly impacted locations to less than significant, and although the Project applicant would implement the improvements consistent with the mitigation requirements, for purposes of CEQA and the DEIR, the impacts to the subject roads are considered significant and unavoidable until such time as the City concurs with the mitigation. (DEIR, pp. 2.9-47, 2.9-49.)

With respect to Mitigation Measure M-TR-8, the measure requires that the Project applicant enter into an agreement with Caltrans for signalization of the intersection of Otay Lakes Road and SR-94. (DEIR, pp. 2.9-47-48.) The necessary improvement would be located within the Caltrans right-of-way as a Caltrans facility and, therefore, implementation of the improvement is outside the County's jurisdiction and control. In addition, Caltrans does not have a plan in place to install the necessary signal, nor does it have a funding program in place into which the Project applicant could pay a fair-share towards the cost of installing the improvements. Therefore, the identified mitigation is infeasible and the impacts are significant and unavoidable. (DEIR, p. 2.9-48.)

Significantly, the reason the EIR identified significant and unavoidable impacts as to those impacts within the City of Chula Vista is due not to any physical constraints or potential ineffectiveness. In fact, the recommended improvements would reduce the Project's impacts and are consistent with the City of Chula Vista's Circulation Element. Therefore, the City can and should work with the Project applicant to implement the improvements. (Pub. Resources Code, section 21081(a)(2).) However, since these facilities are located outside of the County's jurisdiction, a conservative approach was taken in the EIR and the impacts have been identified as significant and unavoidable.

As for Mitigation Measure M-TR-8, as noted above the Project would result in a cumulative impact at a Caltrans' facility. Based on the traffic engineer's discussions with Caltrans, there is no approved plan/program in place to mitigate this impact; consequently, Caltrans agrees that this impact is significant and unavoidable. A copy of the email from Mr. Jacob Armstrong, Branch Chief, Development Review and System Planning, District 11 Planning Dept. is included as Attachment O14.1.

With respect to the comment's suggestion that the development of fewer units or more multi-family dwelling units in lieu of single-family homes should be considered, DEIR, Chapter 4.0, Project Alternatives, analyzed several Project alternatives that would do precisely what the comment requests—result in fewer dwelling units, generally, as well as result in an increase in multi-family dwelling units and a corresponding decrease in single-family homes.

Specifically, Alternative C would reduce the total number of dwelling units by 697 relative to the proposed Project, and increase the number of multi-family homes to 859 as compared to the 57 multi-family homes that would be built under the proposed Project. (DEIR, p. 4.0-2.) Alternative E would reduce the total number of dwelling units by 547, but increase the number of multi-family dwelling units from 57 to 72. (Id.) And, Alternative G would reduce the number of

dwelling units by 1,473, resulting in the development of 465 single-family dwelling units. (DEIR, p. 4.0-3.)

In addition to the above alternatives, Alternative B would result in the same total number of dwelling units as the proposed Project, although the number of multi-family dwellings would increase from 57 under the proposed Project to 1,408 units, and the number of single-family homes would be reduced to 530. (DEIR, p. 4.0-2.) Similarly, Alternative D would result in the same total number of dwellings, but it would increase the number of multi-family residential units to 1,544 and reduce the number of single-family homes to 394. (DEIR, p. 4.0-2.) Lastly, Alternative F would increase the number of multi-family units to 670, while decreasing the number of single-family units to 1,268.

DEIR Chapter 4.0, Project Alternatives, analyzes the impacts associated with each of these alternatives relative to the proposed Project, including traffic impacts. Therefore, substantial analysis has been provided of Project alternatives that would both reduce the total overall number of dwelling units, as well as increase the number of multi-family dwellings while decreasing the number of single-family dwellings.

**O-14-37** The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. However, the comment provides factual background information taken from the DEIR and does not raise any issue concerning the adequacy of the DEIR. For that reason, the County provides no further response to this comment.

**O-14-38** The County acknowledges this comment and the minor inconsistency can be explained as follows. The Overview of Water Service provided as Appendix C-17 was prepared in September 2014 and included slight changes to the land plan that was in place when the Water Supply Assessment study was prepared and approved in 2014. Since the projected water demand set forth in the September 2014 water study and the DEIR are slightly less (a reduction of less than 2 percent) than the projection in the Water Supply Assessment, it is reasonable to conclude that the findings in the Water Supply Assessment remain valid and there is no reason to update this report.

**O-14-39** The County acknowledges this comment but affirms that the water supply assessment for the proposed Project has been prepared in accordance with applicable State legislation. Page 3.7-8 of the DEIR provides an adequate description of the requirements for compliance with Senate Bills 610 and 221 regarding the evaluation of Project water supply requirements. The water supply and conservation data used in the DEIR is consistent with the 2010 UWMP documents prepared by OWD, SDCWA, and MWD and are based on reasonable projections of supply and demand over a 20-year period.

Because the short-term water supply conditions in California can and have changed based on drought conditions and legislative decisions by the State, the DEIR has been amended to include a discussion of the current drought conditions and impact on the proposed Project. Please see the December 2015 Memo included as an attachment to Appendix C-18 of the FEIR for additional information.

**O-14-40** The County acknowledges the comment that project design features should be adopted as mitigation measures. These features were analyzed as part of the environmental review, through which there was found to be a less than significant impact related to energy consumption. However, the Project shall include the respective project design features in the Mitigation Monitoring and Reporting Program and will be made conditions of Project approval.

**O-14-41** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment does not present any issue or make any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required. Pursuant to CEQA Guidelines Section 15091, the Project will adopt written Findings prior to consideration of the Project by the County Board of Supervisors.

**O-14-42** See Response to Comment O-14-6.

**O-14-43** See Response to Comment O-14-6.

**O-14-44** The comment states that Project alternatives should be included that minimize impacts to biological resources. The proposed Project mitigates all impacts to biological resources, including vernal pools and the QCB, to below a level of significance. All alternatives, with the exception of Alternative B, would result in impacts less than those that would be caused by the proposed Project, as shown in Table 4.0-1 of the EIR. Alternative B would provide more Preserve land than the proposed Project, as stated in Section 4.1.1. Section 15126.6(b) of the CEQA Guidelines states “the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant impacts of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” Therefore, it is not a requirement of CEQA to select alternatives for impacts found to be less than significant. The DEIR includes a reasonable range of alternatives selected to reduce significant unmitigable impacts, some of which would also reduce the development footprint on sensitive biological resources. However, a reduction in the development footprint would result in a reduction of open space to the Preserve, which was established to mitigate biological impacts for the development of Otay Ranch.

**O-14-45** The comment advocates for the selection of Alternative G in lieu of the proposed Project. The County decision makers will take the comment into account as they (i) decide which alternatives are feasible after taking into consideration Project Objectives and specific economic, legal, social, technological, or other considerations; and (ii) ultimately select one for approval based upon the proposed Project’s Findings and Statement of Overriding Considerations.

**O-14-46** The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. However, the comment provides concluding remarks and does not raise any new issue or include any new substantive comment concerning the adequacy of the DEIR. For that reason, the County provides no further response to this comment.

- O-14-47** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment does not present any issue or include any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.
- O-14-48** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment does not present any issue or include any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.
- O-14-49** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment does not present any issue or include any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.
- O-14-50** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment does not present any issue or include any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.
- O-14-51** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment does not present any issue or include any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.
- O-14-52** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment does not present any issue or include any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.
- O-14-53** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment does not present any issue or include any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.
- O-14-54** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment does not present any issue or include any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.
- O-14-55** The County acknowledges and appreciates the comment. It will be included as part of the FEIR. However, the comment does not present any issue or include any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.

Attachment O14.1



Phuong Nguyen <pnguyen@chenryanmobility.com>

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## Resort Village - V13 TIS

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**Armstrong, Jacob M@DOT** <jacob.armstrong@dot.ca.gov> Thu, Feb 12, 2015 at 8:23 PM  
To: Phuong Nguyen <pnguyen@chenryanmobility.com>  
Cc: "Clark, Trent S@DOT" <trent.clark@dot.ca.gov>, "Webster, Michael J@DOT" <michael.webster@dot.ca.gov>, Monique Chen <mchen@chenryanmobility.com>

Phuong, See my responses below. Thanks

Jacob Armstrong, Branch Chief

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**From:** Phuong Nguyen [mailto:[pnguyen@chenryanmobility.com](mailto:pnguyen@chenryanmobility.com)]

**Sent:** Thursday, February 12, 2015 5:24 PM

**To:** Armstrong, Jacob M@DOT

**Cc:** Clark, Trent S@DOT; Webster, Michael J@DOT; Monique Chen

**Subject:** Re: Resort Village - V13 TIS

Thanks Jacob.

I have some short questions in regard to #2 and #3, please see below:

#2 - Do we still need to conduct a preliminary evaluation of a roundabout (or other alternative such as all way stop control?) to be ICE compliant? If we provide a preliminary (planning level) evaluation using Sychro (basically - considering either all way stop control or roundabout) as a part of the response to comment, and state "signalization or other improvements approved by Caltrans" in the TIS. Would that be satisfactory for you? Admittedly when I signed the letter I did not review the TIS and thought it was a direct impact. However, because it is cumulative, there is no need to go through this effort. Whomever ends up doing the improvement will need to go through the ICE evaluation, but not necessary for the purposes of your analysis. You can simply respond that your impact is cumulative, and if/when the improvement is implemented, it is understood it will need to go through ICE evaluation at that time to determine if signalization or other improvements, including roundabout, is warranted to mitigate impact.

#3 - The TIS identify this cumulative impact near Table 7.8 (I can send over our latest TIS if you need a copy). The project are estimated to contribute 12.5% of the AM peak hour trips and 14.7% of PM peak hour trips under the cumulative year condition. This is the same intersection that we need to be ICE compliant in #2. Can you confirm if the project is doing an EIR? Based on the percentages, most likely we will not consider entering into an agreement to collect fair-share. Therefore, the impact can remain significant and unmitigated.

On a side note - Trend had mention at the meeting that there was going to be a meeting with Caltrans ICE coordinator this week for another project. I am aware of the ICE policy that is posted online (<http://www.dot.ca.gov/hq/traffops/liaisons/ice.html>). Is there a standardize approach for District 11 that we should take for all project that require ICE? If it is possible, we would like to get a copy of an ICE report as reference for future projects. We can send you some information.

Thanks

Phuong

[Quoted text hidden]